

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**DAVID EARL PONDER**

**Plaintiff,**

**VS.**

**CITY OF DENTON, TEXAS, et al.**

**Defendants.**

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**Case No. 4:13cv17**

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

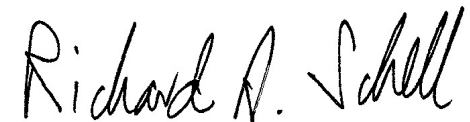
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On July 16, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' Motion to Dismiss Pursuant to Federal Rules 4(m) and 12(b), Alternative Motions under Rules 12(e) and 7 for More Definite Statement Pursuant to Heightened Pleadings Requirement and Alternative Motion to Abate Discovery (Dkt. 14) be DENIED as to dismissal under Rule 4(m) and DENIED as MOOT as to all other requests pending the court's consideration of the summary judgment evidence as to statute of limitations.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

Therefore, Defendants' Motion to Dismiss Pursuant to Federal Rules 4(m) and 12(b), Alternative Motions under Rules 12(e) and 7 for More Definite Statement Pursuant to Heightened Pleadings Requirement and Alternative Motion to Abate Discovery (Dkt. 14) are DENIED as to dismissal under Rule 4(m) and DENIED as MOOT as to all other requests pending the court's consideration of the summary judgment evidence as to statute of limitations.

**IT IS SO ORDERED.**

**SIGNED this the 29th day of September, 2014.**

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The middle initial "A." is written in a smaller, simpler script. The last name "Schell" is written with a large, prominent "S" and a long, sweeping tail that extends to the right.

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RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE